Decision Notice

MC/10/2971

Medway Council
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App's Name The Trustees of
Hempstead Valley Shoppping Centre

TOWN & COUNTRY PLANNING ACT 1990
Town & Country Planning (Development Management Procedure) (England) Order 2010

Proposal: Outline application for part demolition of, and alterations to existing southern and eastern malls and the adjacent freestanding building, and redevelopment for mixed use scheme comprising use classes A1, A2, A3 and/or A5 (Shops; Financial and Professional Services; Food establishments), D1 and/or D2 (Non-residential institutions; assembly and leisure); and car parking facilities. Improvements to and development of new public realm and landscaping and alterations to vehicular access points and provision of new public transport and taxi waiting facilities

Location: Hempstead Valley Shopping Centre, Hempstead Valley Drive, Hempstead, Gillingham, ME7 3PD

Notification of Grant of Outline Planning Permission to Develop Land

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED OUTLINE PERMISSION for the development of land as described above in accordance with your application for planning permission dated 10 August, 2010.

SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:

(amended by plans received on 11 October 2010, 28 October 2010 and 29 October 2010)

1 Approval of the details of the layout, scale and appearance of the

buildings and the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory in accordance with policies in the Medway Local Plan 2003.

2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last matter to be approved.

Reason To comply with section 92 of the Town and Country Planning Act 1990

4 Upon occupation of the retail units hereby permitted, individual window displays appropriate to the occupier of the relevant unit and the shopping parade as a whole shall be provided and maintained.

Reason: To safeguard the character and appearance of the premises and the area in which they lie in accordance with policy BNE1 of the Medway Local Plan 2003.

5 Prior to the commencement of the development hereby permitted details of the design and location of security measures including any proposed CCTV cameras and anti-ram raid bollards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first use of any of the retail units hereby granted and such security measures shall thereafter be retained and maintained in working order.

Reason. To ensure a safe and secure environment in accordance with Policy BNE8 of the Medway Local Plan 2003.

6 Prior to occupation of the development hereby permitted, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use

and thereafter be maintained in accordance with the approved details.

Reason To ensure the satisfactory dispersal of cooking odours and fumes in accordance with Policy BNE2 of the Medway Local Plan 2003.

7 Prior to the commencement of the development hereby permitted, a construction code of practice that describes measures to control noise and dust impacts arising from the construction phase of the development shall be submitted and approved in writing by the Local Planning Authority. The approved construction code of practice and measures to control noise and dust shall be implemented in full during the construction period of the approved development.

Reason To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE2 and BNE3 of the Medway Local Plan 2003.

8 No alteration or addition including any structure or equipment associated with air conditioning shall be carried out or installed on the roof of the building hereby approved without the prior written permission of the Local Planning Authority.

Reason. In the interests of visual amenity of the area and to protect the integrity of the building in accordance with policy BNE1 of the Medway Local Plan 2003.

9 The noise rating level ($L_{A,T}$) associated with the development site, shall not exceed the background noise level ($L_{A90,T}$), by more than 3dB. The noise levels shall be determined at the nearest noise sensitive receptors. All measurements shall be defined and derived in accordance with BS4142: 1997.

Reason To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE2 and BNE3 of the Medway Local Plan 2003.

10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 11 to 14 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 14 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

11 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance

with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

12 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

13 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than

development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 12 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

15 The work of demolition herein approved shall not take place before a contract for the carrying out of works of redevelopment of the site has been made and entered into and planning permission has been granted for such works covering the whole site and such a contract is capable of being implemented.

Reason: To safeguard the visual amenity of the area in accordance with Policy BNE1 of the Medway Local Plan 2003.

16 Prior to the commencement of the development details of filtration of surface water drainage into the ground from large-scale car parking area shall be submitted to the Local Planning Authority for approval in writing. Car park area surface water drainage should be through appropriate

pollution prevention measures only or to mains. The approved details shall be implemented in full prior to the opening of the car park area to the public.

Reasons: The site overlies a major aquifer and further assessment is required under PPS23

17 Prior to commencement of development, details of the proposed bus interchange to facilitate level access for services, including adequate waiting space for 5 buses, high quality technology bus timetable displays and adequate waiting areas for passengers, shall be submitted to and approved in writing by the Local Planning Authority. The approved shall be implemented in full and made available on or before the approved development is open to public.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety in accordance with policy T6 of the Medway Local Plan 2003.

18 Prior to commencement of development, details of the proposed car parking management strategy including enforcement regimes for the bus interchange area, shall be submitted to and approved in writing by the Local Planning Authority. The Strategy must include a timetable for review of the Car Parking Strategy 6 months after reopening of the shopping centre and annually thereafter.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety in accordance with policy T1, T6 and T13 of the Medway Local Plan 2003.

19 In this Condition "retained trees" means an existing tree which is to be retained in accordance with the approved plans and particulars until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standards 3998 (Tree Work).

b) If any retained tree dies or is removed, uprooted or destroyed within 5 years of the completion of the development hereby permitted, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) Prior to the commencement of any works associated with the construction of the development hereby permitted, including bringing any equipment, machinery or materials on the site for the purposes of the development, specification of tree protective fencing and a tree protection plan (TPP) shall be submitted to and

approved in writing by the Local Planning Authority. The tree protection to be implemented prior to the commencement of any works associated with the construction of the development hereby permitted, and remain in place until the completion of construction of the development hereby approved. The TPP is to be in accordance with BS5837: 2005.

d) Details and specification (to include scaled section drawings showing existing and proposed), of any proposed hardstanding, excavations or level changes within the BS5837: 2005 Root Protection Area (RPA) of any retained tree on or adjoining the site, to be submitted to and approved by in writing by the Local Planning Authority prior to the commencement of any works associated with the construction of the development hereby permitted.

e) An arboricultural method statement, in accordance with BS 5837: 2005, in relation to any construction, excavation or level changes within the RPA of any tree on or adjacent to the site, to be submitted to and approved by in writing by the Local Planning Authority prior to the commencement of any works associated with the construction of the development hereby permitted.

Reason: To ensure that the development does not prejudice conditions of amenity in accordance with policy BNE43 of the Medway Local Plan 2003.

20 Within 6 months of first occupation of the development hereby approved of any of the retail units hereby permitted, an updated Travel Plan for Hempstead Valley Shopping Centre shall be submitted to and approved in writing by the Local Planning Authority. The submitted Travel Plan shall include:

- Details of a Travel Plan Forum to be established involving as many tenants as possible, to meet twice a year (minutes of these meetings to be sent to the Local Planning Authority for information)
- Details of monitoring and assessment of the existing cycle parking facility and the provision of additional or alternative arrangements should the findings of the monitoring deem it necessary.
- Details of a strategy for managing staff parking
- Provisions for the annual monitoring and review of the Travel Plan.

The findings of the annual monitoring and review of the plan shall be submitted to the Local Planning Authority for written approval, in order to update or amend provisions where it is found necessary. The Travel Plan shall be prepared, submitted and implemented in accordance with the details and timetable approved by the Local Planning Authority and shall remain in use at all times thereafter, as altered where necessary by the approved monitoring and review findings and consequent plan updates.

Reason: To ensure that the development does not predjudice conditions of amenity as a result of transport matters in accordance with policy T14 of the Medway Local Plan 2003.

21 The development of any part of the application site hereby permitted shall

not be commenced until all parties with an estate in the land (as defined in section 1(1) Law of Property Act 1925) have secured through an appropriate mechanism to the satisfaction of the Local Planning Authority that the permission granted under planning reference MC2006/1481 will not be implemented.

Reason: To ensure the proper development of the site in the interests of visual amenity in accordance with policy BNE1 of the Medway Local Plan 2003.

22 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 29 October 2010
Revised D-55-rev8
Revised D-56-rev9
Revised D-57-rev8
Revised D-59-rev5
Revised D-60-rev7
Revised D-63-rev5
Revised D-64-rev4
Revised D-67-rev1
Revised D-78-rev1
Revised Arboricultural Report

Received 28 October 2010
Addendum to the Transport Assessment

Received 11 October 2010
Revised D-61-rev5
Revised D-68-rev1

Received 10 August 2010
Statement of community involvement
Design and Access Statement
Retail Supporting Statement
Transport Statement
Environmental Desktop appraisal
Planning Supporting Statement

Received 23 August 2010

Air Quality Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

Your attention is drawn to the following informative(s):-

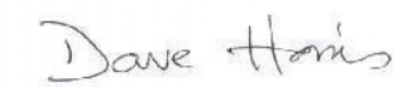
The proposals the subject of this planning application have been considered under the provisions of the Southeast Plan 2009 (the Regional Plan) and the Medway

Local Plan 2003 (the Local Plan), most particularly Policies SP3, CC1, CC2, CC4, CC6, H1, H2, H4, H5, T4, BE1, KTG1 and KTG4 of the Southeast Plan 2009 and Policies BNE1, BNE2, BNE6, BNE7, BNE9, BNE41, BNE43, R7, R13, T1, T3, T4, T6, T13, T14 and T22 of the Medway Local Plan 2003 of the Local Plan, and having regard to the proximity to neighbouring properties and the siting, design and appearance of the proposed new development, the submitted application is considered to be in accordance with the above mentioned Development Plan Policies.

The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations, To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Compass Centre Chatham Maritime, Chatham, Kent ME4 4YH.

The applicant is advised that drainage from large scale car parking should be through appropriate pollution prevention measures only or to the mains and needs prior agreement from the Environment Agency if going to a soakaway.

Signed



David Harris
Development Manager
Date Of Notice 4 January, 2011